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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,125	06/21/2000	Michael Eugene Miller	74603PRC	7213

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PATENT LEGAL STAFF
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EXAMINER

WILSON, JACQUELINE B

ART UNIT	PAPER NUMBER
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2612

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DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,125

Applicant(s)

MILLER ET AL.

Examiner

Jacqueline Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) 5, 14, 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 3-4, 6-8, 10, 12-13, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US 6,097,431).**

Regarding Claim 1, Anderson et al'431 teaches a means for capturing images of scenes (fig. 4, 114), storage means (fig. 6, 346 and 354), a screen (fig. 8), means for displaying on the screen a graphical representation (figs. 8-11) of a list of the stored captured images, wherein the graphical representation does not include captured image data (figs. 10 and 11 shows K08-K16 and a rectangular box which represent the numerical number of the images and a highlighted indicator for an image), a user interface (fig. 8, 271) including an adjustable indicator arranged so that a user can select a particular graphical representation from the displayed graphical list corresponding to a desired captured image (col. 6, lines 26-39), and means responsive to the selected particular graphical representation for causing the corresponding captured image signals to be

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applied to the screen for displaying on the screen the desired captured image (col. 6, lines 34-53).

Regarding Claim 3, Anderson et al.'431 teaches wherein the user interface allows a user to vary the position of the adjustable indicator on the screen so as to scroll through the graphical representation (col. 6, lines 49-53).

Regarding Claim 4, Anderson et al.'431 teaches that the user may scroll through the cells before selecting which image view (col. 6, lines 59-64, 51-53). This reads on the limitation the image displaying means allows scrolling without displaying images intermediate (in between) beginning and end scrolling positions on the graphical representation.

Regarding Claim 6, Anderson et al.'431 teaches the image displaying means only displays the captured image corresponding to the selected graphical representation to be displayed on the screen provided a user does not select another graphical representation within a predetermined time (since Anderson et al.'431 does not disclose accessing another image, it is inherent that the image will be displayed since no other selection is made).

Regarding Claim 7, Anderson et al.'431 teaches displaying low resolution versions of the captured images (referred to as a small image) which respectively correspond to the graphical representation on the list of stored images, and additionally causes a higher resolution version (full size; see figs. 2, and 9-11) of the captured image corresponding to the selected graphical representation to be displayed on the screen provided a user does not select another graphical representation within a time required to display the low resolution version (since

Anderson et al.'431 does not disclose accessing another image, it is inherent that the image will be displayed since no other selection is made).

Regarding Claim 8, Anderson et al.'431 teaches that making a selection may be done using a rectangle, or a plurality of other shapes (col. 6, lines 32+) such as a circle or oval or an underlining bar as shown in fig. 2 (col. 2, lines 2). This reads on the limitation of the graphical representation of the list is a bar on the screen.

Regarding Claim 10, Anderson et al.'431 teaches a means for capturing images of scenes (fig. 4, 114), storage means (fig. 6, 346 and 354) for storing the captured image signals being listed in the order in which the captured image signals were stored (inherent since Anderson et al.'431 teaches the images are exemplified in numerical order as shown in figs. 8 and 12A), a screen (fig. 8), means for displaying on the screen a graphical representation (figs. 8-11) of the listed order of the stored captured images, wherein the graphical representation does not include captured image data (figs. 10 and 11 shows K08-K16 and a rectangular box which represent the numerical number of the images and a highlighted indicator for an image), a user interface (fig. 8, 271) including an adjustable indicator arranged so that a user can select a particular graphical representation from the displayed graphical list corresponding to a desired captured image (col. 6, lines 26-39), and means for causing a high resolution (full size) image from the corresponding captured image signals of the selected graphical representation to be applied to the screen (col. 6, lines 34-53) for

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displaying on the screen the desired high resolution captured image (see also fig. 9-11).

Claim 12 is analyzed and discussed with respect to Claim 3. (See rejection of Claim 4 above.)

Claim 13 is analyzed and discussed with respect to Claim 4. (See rejection of Claim 4 above.)

Claim 15 is analyzed and discussed with respect to Claim 6. (See rejection of Claim 6 above.)

Claim 16 is analyzed and discussed with respect to Claim 7. (See rejection of Claim 7 above.)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al.'431 in view of Wakui (US 5,742,339).**

Regarding Claims 2 and 9, Anderson et al.'431 fails to specifically disclose the graphical displaying means additionally displays a graphical representation of space remaining within the storage means. However, Wakui '339 teaches that

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the unused space of the storage means is displayed by using a predetermined color replacing the absent image data (col. 8, lines 27+). This is advantageous so that the user may monitor the amount of images captured. By using this method, it would have been obvious to modify Anderson et al.'431 by indicating any space left unused with a predetermined color as disclosed in Wakui '339. Therefore, it would have been obvious to one of ordinary skill in the art to have the graphical representation means to display a graphic representation for both the list and space remaining as part of a single presentation which exhibits areas of different color or texture indicative of relative storage space occupied by the stored images and space remaining.

Claim 11 is analyzed and discussed with respect to Claim 2. (See rejection of Claim 2 above.)

Allowable Subject Matter

5. Claims 5, 14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claim 5, the prior art neither teaches nor fairly suggests means for capturing images, storage means, a screen, means for displaying a graphical representation of the list of the stored captured images, a user interface, and means responsive to the selected particular graphical representation for causing the corresponding captured image signals to be applied to the screen for displaying on the screen the desired captured image, as claimed in Claim 1,

wherein **the image displaying means requires a predetermined retrieval time to display an image, and wherein if during a retrieval time a user selects another graphical representation the retrieval is terminated.**

Regarding Claim 14, the prior art neither teaches nor fairly suggests means for capturing images, storage means, a screen, means for displaying a graphical representation of the listed order of the stored captured images, a user interface, and means for causing a high resolution image from corresponding captured image signals of the selected graphical representation to be applied to the screen for displaying on the screen the desired high resolution captured image, as claimed in Claim 10, wherein **the image displaying means requires a predetermined retrieval time to display an image, and wherein if during a retrieval time a user selects another graphical representation the retrieval is terminated.**

Regarding Claim 17, the prior art neither teaches nor fairly suggests means for capturing images, storage means, a screen, means for displaying a graphical representation of the listed order of the stored captured images, a user interface, and means for causing a high resolution image from corresponding captured image signals of the selected graphical representation to be applied to the screen for displaying on the screen the desired high resolution captured image, as claimed in Claim 10, wherein the adjustable indicator is movable at varying rates, and **wherein the display means causes an additional visual indication to be displayed on the screen when the faster rate is selected.**


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Wilson whose telephone number is (703) 308-5080. The examiner can normally be reached on 8:30am-5:00pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JBW
05/13/04


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